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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,716	01/04/2001	Christian M. Hoebener	DAL0002.01	2096

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BAKER & DANIELS
205 W. JEFFERSON BOULEVARD
SUITE 250
SOUTH BEND, IN 46601

EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/754,716

Applicant(s)

Hoebener et al.

Examiner

Tan Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 20, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 21-30 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9, and 21-30 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 10-15 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. This is the third office action for serial number 09/754,716, Mount for TV Monitor, filed on 01/04/01. This application contains 25 claims numbered 1-15 and 21-30. Claims 16-20 have been canceled. Claims 21-30 have been added.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: a support, a barrel-shaped swivel part and a catch part as recited in claim 21. It's unclear where the structural relationships among a support, a barrel-shaped swivel part and a catch part are being connected to make or use such claims. One having ordinary skill in the art would have to perform undue experimentation to make/use such claimed features.

Claim 26 is also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 26 recites the limitation "the frame" in line 2. This limitation lacks antecedent basis.

Claims 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: a frame, a support assembly and a tilting mechanism as recited in claim 27. It's unclear where the structural relationships among a frame, a support assembly and a tilting mechanism are being connected to make or use such claims. One having ordinary skill in the art would have to perform undue experimentation to make/use such claimed features.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,400,993 to Hamilton. For purpose of this discussion, please refer to previous attached marked-up copy.

Regarding claims 1 and 9, Hamilton discloses a mount 10 including a frame 14, 16, 18, an upper catch part 112 with a slot 112a therein that is located centrally to side portions 50, 52 of the frame, and a swivel part 108a suspended from a support 108b wherein the swivel part is fitted into the slot and engages the catch part (note Figs. 1-3). Hamilton also discloses that the catch part includes a tubular member 116.

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Claims 21-24, 26 and 27-29, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,400,993 to Hamilton.

Regarding claims 21- 24 and 26, Hamilton discloses a support (108, 104) (Fig 1), a barrel-shaped swivel part (108a) and a catch part (112a), wherein the barrel-shaped swivel part engages the catch part and is movable relative to the catch part to tilt the appliance. Hamilton also discloses that the catch part has a slot (112a) and the swivel part is at least partial located in the slot; and the swivel part is restrained from horizontal movement relative to the catch part; a rotation member (V, 106) for allowing rotation of the appliance about a vertical axis; and the swivel part is attached to the support assembly and the catch part is attached to the frame.

Regarding claims 27-29, Hamilton discloses a frame (14, 16, 18), a support assembly (108); a tilt mechanism (V, 106), the tilt mechanism tilts and holds the appliance relative to a vertical plane; a catch part (106 , 112) having a slot (112a) therein; the tilt mechanism located in the catch part and engaged therewith and the tilt mechanism includes a barrel-shaped member (108a).

Allowable Subject Matter

5. Claims 2-8, 10-15 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Note: Reasons for the indication allowable subject matter of the claims above have been indicated in the first office action.

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Claims 25 and 30 are rejected, but would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter of claims in this case, is the claimed recitation of the barrel-shaped swivel part including a key part having an opening, and the barrel-shaped swivel part engaging the catch part by bearing against an arcuate portion of the catch part, in combination with the other elements recited, which is not found in the art.

Conclusion

6. This action is made NON-FINAL. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is (703) 305-8244. The Examiner can normally be reached on Monday through Thursday and on alternate Fridays from 7:00 A.M. to 4:30 P.M. The fax numbers for the Group are (703) 305-3597 or (703) 305-7687 (for formal communication), and (703) 308-3519 (for informal communication).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.

TAN LE
PATENT EXAMINER

AU 3632
July 11, 2002


ANITA KING
PRIMARY EXAMINER